



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number:
P.C. July 26, 2004 Item:

File Number:
GP03-03-17

Council District and SNI Area:
3 – University Neighborhoods

Major Thoroughfares Map Number:
83

Assessor's Parcel Number(s):
472-21-102, -34, -99, -37, -39, -40, -41, -83,
-84, -44; 472-22-060, -062, -063.

Project Manager: Dionne Early

GENERAL PLAN REPORT

2004 Summer Hearing

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation for an 8.2-acre site from Medium Low Density Residential (8 DU/AC) on 0.9 acres and Medium High Density Residential (12-25 DU/AC) on 7.3 acres to Medium Density Residential (8-16 DU/AC).

LOCATION: Both sides of South 12th Street between Orvis and Interstate 280.

ACREAGE: 8.2

APPLICANT/OWNER:

Ray Hashimoto (HMH Engineers)/San Jose Bible College

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium Low Density Residential (8 DU/AC) on 0.9 acres and Medium High Density Residential (12-25 DU/AC) on 7.3 acres

Proposed Designation: Medium Density Residential (8-16 DU/AC)

EXISTING ZONING DISTRICT(S): Commercial Pedestrian (CP) and R-1-8

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

NORTH: Residential; Medium Low Density Residential (8 DU/AC)

SOUTH: Interstate 280

EAST: Riparian corridor; Public Park and Open Space

WEST: Residential; Medium Density Residential (8-16 DU/AC) and Medium Low Density Residential (8 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration/ Environmental Impact Report adopted on ?

PLANNING STAFF RECOMMENDATION:

No change on 5.2 acres.

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Airport Land Use Commission (ALUC) – The ALUC has no comments on the proposed amendment.
- Department of San Jose Public Works (DPW) – The Department of DPW Development Services Division indicated that there are no significant Public Works issues or constraints for this site.
- Department of Transportation (DOT) – The proposed land use change is not expected to result in a significant long-term traffic impact.
- Fire Department – The Fire Department have has no comments on the proposed amendment.
- Parks and Recreation Commission (PRNS)– If approved, this amendment will increase the demand for parkland in a neighborhood that is already deficient in neighborhood/community parks.
- Pacific Gas & Electric – PG&E has no objections regarding GP04-03-01.
- Santa Clara Valley Water District (SCVWD) –The District SCVWD has no comments to the proposed amendment.
- Valley Transportation Agency (VTA) – VTA has no comments on the proposal.

GENERAL CORRESPONDENCE:

No correspondence was received.

ANALYSIS AND RECOMMENDATIONS:

REASONS FOR NO CHANGE TO GP:

- Consistent with Urban Conservation/Preservation and Housing Major Strategies.
Existing GP land use/transportation diagram density is MLDR (8 DU/AC) on 1.3 acres and MHDR (12-25 DU/AC) on 3.9 acres. Proposal to change entire site to (MDR 8-16 DU/AC) reduces overall density on site and reduces total potential number of units on site. No change provides more options to maintain existing street frontage/interface that is compatible with surrounding neighborhood by not moving or eliminating any existing houses. Status quo also provides more options to provide variety of housing unit types at affordable prices to meet 20% inclusionary housing requirement required in Redevelopment Area. Will maintain existing housing capacity. While a business currently occupies the warehouse on the east end of Orvis, (it was once the headquarters of the San Jose Scavenger Company), the PD zoning on file proposes to demolish it. No agreement has been signed between the current owner and the applicant nor has the current owner signed the PD zoning. This structure could potentially play a significant role as

a community building especially if the potential historic district identified there were established.

- University SNI Plan identifies specific areas for reducing density and other areas for increasing density. This site does not appear to be identified for either density reduction or density increase in the SNI Plan. We therefore conclude that the SNI Plan intended for the designation to remain as is.
- Less justification to convert employment lands to residential uses. Maintaining overall higher density rather than reducing density on the site reduces pressure to convert industrial land to residential/non-industrial uses per the Industrial Lands Conversion Framework.
- Greater ability to comply with GP riparian corridor policies. Attached product typified by MHDR (12-25 DU/AC) will allow applicant to achieve their unit count and maintain a 100' riparian setback from the creek. Attached product is also likely to be a podium style providing all parking for the site with partially below grade lot. Attached product is also more likely to mitigate noise from 280.

PROJECT DESCRIPTION

This is a privately initiated General Plan amendment request to change the Land Use/Transportation Diagram on a 8.2-acre site located on both sides of South 12th Street between Orvis Street and Highway 280 from Medium Low Density Residential (8 DU/AC) on 0.9 Acres and Medium High Density Residential (12-25 DU/AC) on 7.3 Acres all to Medium Density Residential (8-16 DU/AC).

The subject site's current General Plan land use designations of Medium High Density Residential (12-25 DU/AC) is typified by two-story apartments and condominiums with surface parking. Structures of greater height with compensating amounts of open space are possible.

The proposed General Plan land use designation of General Commercial is a non-specialized commercial designation intended to permit a wide range of commercial, business and professional office uses. The applicant's intent is to use the property and the existing structure for a real estate and loan office. Staff is recommending approval of a General Plan land use designation change to Office, which is typified by business, and professional offices. The *San Jose 2020 General Plan* states that this designation can be used on the edges of residential neighborhoods because office uses are not intrusive.

Approval of the proposed change to General Commercial could potentially allow the conversion of the subject site into a commercial use that would be incompatible with the surrounding Medium High Density Residential (12-25 DU/AC) and High Density Residential (20-50 DU/AC) designations as well as the existing neighboring residential uses. Conversely, an Office designation would be compatible for the reasons stated in this report. The applicant is comfortable with staff's recommendation of Office.

BACKGROUND

The amendment site consists of a 0.12-acre parcel occupied by a single-family detached house. The subject site is zoned CN-Commercial Neighborhood and has a General Plan land use designation of Medium High Density Residential (12-25 DU/AC). The site is located in the Spartan-Keyes Strong Neighborhood Initiative area, but is just outside of the area of the Martha Gardens Specific Plan (the rear parcel line abuts the specific plan boundary).

Site and Surrounding Uses

The site is located on the west side of South Seventh Street approximately 150 feet northerly of Keyes Street. South Seventh Street is a Major Collector providing vehicular access to and from Highway 280, which is located approximately 2.5 blocks northwest of the subject site. Uses near the site are predominantly residential with the majority of commercial uses located at the intersection of Keyes and South Seventh Streets. The rear (southwest) boundary abuts the boundary of the Martha Gardens Specific Plan area. Commercial and light industrial uses currently operate on the adjacent site.

ANALYSIS

Land Use Compatibility

The subject site has the potential to act as a transitional site between different uses. To its north and east, current uses, existing zoning, and General Plan land use designations are all residential, while to the south and west, current uses, existing zoning, and General Plan land use designations are a mixture of light industrial and commercial.

The General Commercial designation allows for a variety of commercial uses including strip commercial centers, freestanding commercial buildings, and offices. The Office designation primarily allows business and professional office uses. Retail commercial uses are not permitted under the Office designation. The General Plan states the Office designation can be used adjacent to residential neighborhoods because it is not intrusive and can provide a more compatible transitional use between existing and future residential and light industrial/commercial uses. Based on the above analysis, staff recommends that the land use designation change from Medium High Density Residential (12-25 DU/AC) to Office. The General Plan Urban Design Policy No.1 states that the City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses. Changes of use on parcels have the potential to raise significant compatibility questions.

Due to the number of legal and illegal conversions of residential structures to non-residential uses, City Council Policy No. 6-11, *Design Criteria For Conversion of Residential Structures To Non-Residential Uses* was approved on April 1, 1980. The policy states that non-residential uses permitted in residential neighborhoods must comply with the Zoning Ordinance and must conform to the General Plan using the same standards established for commercial uses in commercial neighborhoods. These new uses, generally light office uses and small neighborhood services should do all of the following: 1) be compatible with the residential structure; 2) conform to normal daytime business hours; 3) provide parking and automobile circulation area in the rear of the structure; 4) be limited to one business enterprise; 5) ensure that any remodeling be architecturally compatible with the neighborhood or at least be consistent with the basic architecture of the structure; 6) provide only one non-illuminated sign; 7) screen all mechanical equipment from public view and site it to limit noise impacts; and 8) provide trash and garbage enclosures in the rear yard area.

In conjunction with City Council Policy No. 6-11, San Jose Zoning Ordinance, Chapter 20.80, Specific Use Regulations, Part 4, *Conversion Of Residential Dwellings* states that a Special Use Permit is required to convert a single-family dwelling to any other use only after the land use designation has been changed to permit the use. Staff believes the subject site conforms to City Council Policy No. 6-11. In addition, the

applicant will be required to go through the Special Use Permit process to comply with the above provisions.

Consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies

The *San Jose 2020 General Plan* has seven Major Strategies that establish the basic framework for planning in San Jose. One of the seven Major Strategies is Urban Conservation/Preservation. The Urban Conservation/Preservation Major Strategy encourages preserving individual and groups of historic and architectural structures that add character and interest to the City's image. The objective of conservation/preservation goes beyond individual structures and groups of structures to contribute visual evidence at a strategic level to a sense of community that grows out of the historical roots of San Jose's past. Although Historic Preservation planning staff indicates that the structure at 1083 South Seventh Street, which was built in 1908, has been altered and does not meet CEQA standards of historic significant value, the scale, overall appearance and proportions of the structure do positively contribute to the architectural fabric of the neighborhood. A General Plan amendment to Office is consistent with this strategy because no physical change to the subject site is proposed, and the site will retain the character of the surrounding neighborhood.

The *San Jose 2020 General Plan's* first Residential Land Use Goal is to provide a high quality living environment in residential neighborhoods. Residential Land Use Policy No.2 states that residential neighborhoods should be protected from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment. In particular, non-residential uses that generate significant amounts of traffic should be located only where they can take primary access from an arterial street. The subject site conforms to this policy because the Department of Transportation has determined that changing the land use designation to Office will create an insignificant amount of traffic.

Environmental Issues

The proposed change in the General Plan land use designation on the subject site was analyzed in an Initial Study that resulted in a Mitigated Negative Declaration. The Initial Study concluded that the proposed land use change from Medium High Density Residential (12-25 DU/AC) to General Commercial or Office would not substantially degrade the quality of the environment.

Aesthetics

The proposed change in land use to General Commercial or Office could alter the existing visual character of the subject site. The site currently is developed with a single-family house. If the site is developed under the General Commercial or Office land use designation, new commercial or office uses could be built that would change the general character of the site. Implementation of Urban Conservation Policy No. 2 and Urban Design Policies No.s 1, 6 and 8 in the *San Jose 2020 General Plan* would mitigate the potential impact. Alternatively, an office use could occupy the existing structure without changing the visual character of the site.

Geology and Soils

The site is currently flat and is predominantly paved. Changing the land use to General Commercial or Office would not impact the geology and soils of the site. In the event strong seismic ground shaking

should occur, Implementation of Hazards Policy No.1 and Earthquakes Policy No.1 would mitigate the potential impact.

Hydrology and Water Quality

The site is not located in an area within the 100-year floodplain. Future development of the site would also be required to conform to the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit to reduce impacts on storm water quality. Future construction on the site would disturb soil and potentially produce urban runoff. To mitigate this impact, Water Resources Policy No. 12 would be implemented.

Noise

A change in land use to General Commercial or Office may create a noise impact. To mitigate this impact, Noise Policy No. 1 would be implemented.

PUBLIC OUTREACH

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on March 25 and 29, 2004. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment and the expanded site before the Planning Commission on April 26, 2004 and City Council on June 1, 2004. The Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

Staff has received no written correspondence on the proposed amendment. A phone call from a member of the Spartan/Keyes Strong Neighborhood Initiatives Neighborhood Action Committee (NAC) initiated both an e-mail response from staff on April 1, 2004 and a discussion at the April 8, 2004 Spartan/Keyes NAC meeting regarding the amendment on the subject site. The following concerns regarding the amendment are as follows:

- Concern regarding losing housing within the neighborhood;
- Concern regarding other residential conversions to offices in the neighborhood that have been poorly executed and are not aesthetically pleasing throughout the Spartan-Keyes area;
- Questions regarding the future business hours at the subject site; and
- Questions regarding the number of people that the business at the subject site will employ with particular concern regarding parking and traffic implications of the land use designation change.

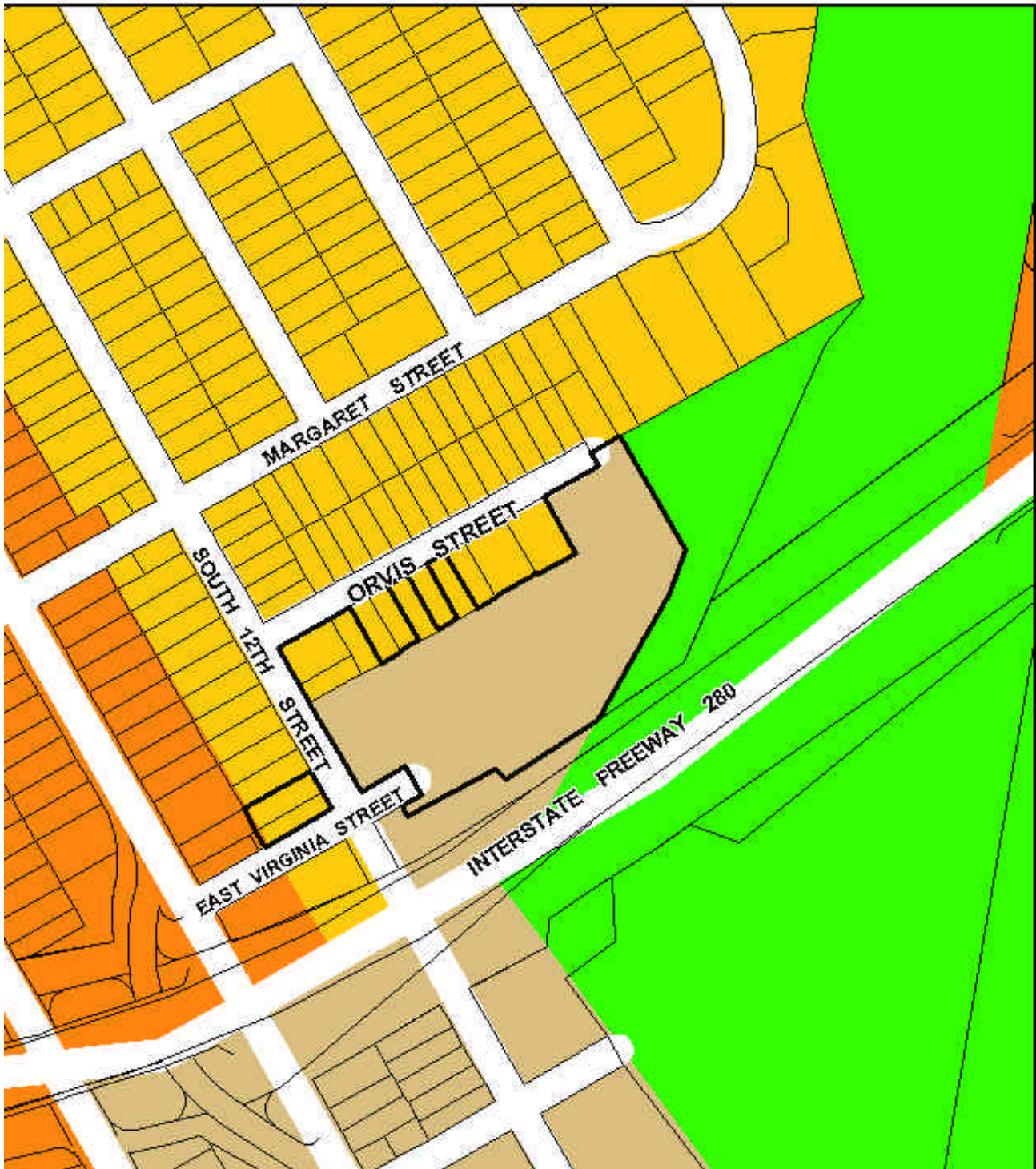
In response to the community's comments and questions, staff notes that the General Plan change would result in the loss of one home from the City's housing inventory. Staff acknowledges the community's interest in the issues of traffic, parking, and aesthetics that could surface with an Office proposal. However, these concerns should be addressed through the Special Use Permit application process. The City's General Plan, Commercial Design Guidelines, Zoning Ordinance, and City Council Policy No. 6-11 (Design Criteria for Conversion of Residential Structures to Non-residential Uses) would provide the process to address the community's concerns. In addition, the NAC would be notified of the

permit application if it were filed. At that point the NAC would have an opportunity to comment on the specific elements of the project.

RECOMMENDATION

Planning staff recommends changing the General Plan designation from Medium High Density Residential (12-25 DU/AC) to Office on the 0.12-acre site.

GP03-03-17



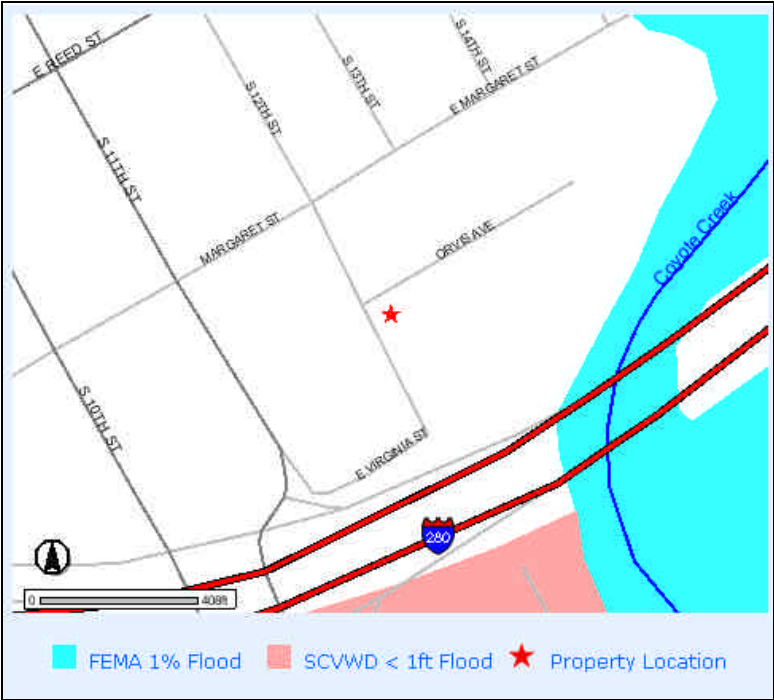
Department of Planning, Building
and Code Enforcement
Planning Services Division

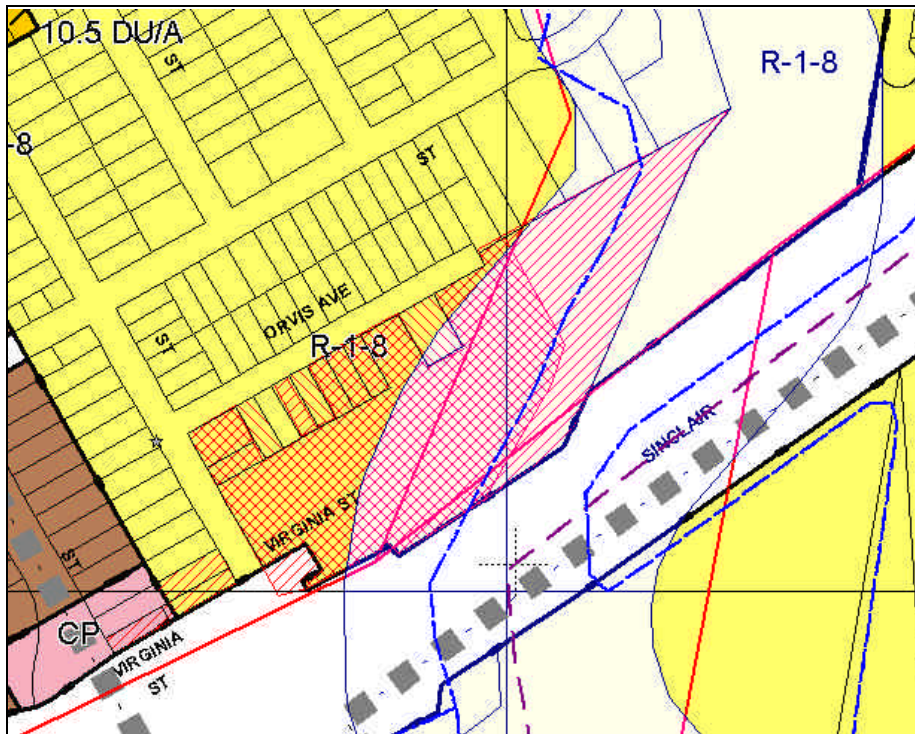
☐ Site



Scale: 1" = 250'
Quad: 83

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Large transparent band is the area which must be included in riparian area. 300 feet in each direction from creek centerline.

Blue dashed line is SCVMD FEMA 1% flood